

June 11, 2002

Mr. Michael R. Kansler
Senior Vice President and
Chief Operating Officer
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - REPLY TO RESPONSE
TO ORDER FOR INTERIM SAFEGUARDS AND SECURITY COMPENSATORY
MEASURES (TAC NO. MB4129)

Dear Mr. Kansler:

On February 25, 2002, the U.S. Nuclear Regulatory Commission (NRC) issued an Order modifying the operating license for the James A. FitzPatrick Nuclear Power Plant to require compliance with the specified interim safeguards and security compensatory measures. The interim compensatory measures (ICMs) were listed in Attachment 2 to the Order. When issuing the Order, the Commission recognized that you have voluntarily and responsibly implemented additional security measures following the events of September 11, 2001, but in light of the continuing generalized high-level threat environment, the Commission concluded that the security measures should be embodied in an Order consistent with the established regulatory framework.

The Order required responses and actions within specified timeframes. Section III.A of the Order required licensees to immediately start implementation of the requirements listed in Attachment 2 to the Order and to complete implementation no later than August 31, 2002. Section III.B of the Order required licensees to notify the Commission: (1) if they are unable to comply with the requirements described in Attachment 2, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, (3) if implementation of any of the requirements would cause the licensee to be in violation of the provisions of any Commission regulation or the facility license, or (4) if implementation of any of the requirements described in Attachment 2 would adversely impact the safe operation of the facility. Section III.C.1 of the Order required licensees to submit to the Commission, within 20 days of the date of the Order, a schedule for achieving compliance with each requirement described in Attachment 2 to the Order. Section IV of the Order noted that in accordance with 10 C.F.R. § 2.202, the licensee must submit an answer to the Order and may request a hearing on the Order within 20 days of the date of the Order and, where good cause is shown, consideration would be given to extend the time to request a hearing.

You submitted a response to the Order for the James A. FitzPatrick Nuclear Power Plant in three letters dated March 18, 2002, (JPN-02-005, JPN-02-004 and JPN-02-003) and provided supplementary information in your letters of March 28, May 15 and June 7, 2002, (JPN-02-006, JPN-02-013 and JPN-02-015). Your letters requested an extension of time until June 14, 2002, to respond to ICMs B.2.a(1), B.2.a(2) and B.2.b and requested a comparable extension of time to file a request for hearing for those matters.

The NRC staff has reviewed your responses to each of the ICMs and finds that you have satisfied the twenty (20) day reporting requirements of the Order, with the exception of ICMs B.2.a(1), B.2.a(2) and B.2.b. An extension of time is hereby granted until June 14, 2002, for your submission of the required response to these ICMs. An extension of time is granted until June 14, 2002, for your filing of a request for hearing related to ICMs B.2.a(1), B.2.a(2) and B.2.b. With respect to your statement that all of the actions required by the Order will be completed no later than August 31, 2002, *unless relief has been requested*, please be aware that the Order requires that all actions in Attachment 2 to the Order be completed no later than August 31, 2002, unless relief has been granted based on a request to the Director, Office of Nuclear Reactor Regulation, for relaxation or rescission of the subject conditions. Such a request must be accompanied by a demonstration of good cause.

Your letter (JPN-02-004) provided a list of commitments made in your submittal. The NRC staff regards the specific responses to the Order made in your letter to each of the ICMs to be the applicable responses to the Order and, accordingly, has not reviewed the list of commitments.

The NRC will determine the effectiveness of your implementation of the ICMs through on-site inspections. I would like to remind you that, pursuant to Section III.C.2 of the Order, you are to provide a report to the Commission, when you have achieved full compliance with the requirements described in Attachment 2 to the Order.

Please contact Guy Vissing at 301-415-1441 if you have any other questions on these issues.

Sincerely,

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-333

cc: See next page

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FitzPatrick Nuclear Power Plant

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